

REMARKS/ARGUMENTS

## SPECIFICATION

In the specification, the paragraphs at page 1, lines 6-8; page 1, lines 10-13; page 2, line 24 – page 3, line 14; page 4, lines 14-24; page 9, lines 21-24; page 23, lines 1-3; and page 23, lines 5-14 (Abstract) have been amended to correct minor editorial problems, and to make the title, field of invention, and abstract better reflect the subject matter of the present claims. The paragraph at page 3, lines 15-18 has been deleted since it was erroneously included in the background section.

## STATUS OF CLAIMS

Claims 1-36 have been cancelled. Claims 37-56 have been added. Claims 37-56 provide a clearer depiction of the techniques described fully in the patent as filed.

## CLAIM REJECTIONS – 35 U.S.C. § 103(a)

The Office Action rejected Claims 1-36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Byrd (U.S. Patent no. 6,317,760) in view of Takasaki (U.S. Patent no. 5,530,947). By the cancellation of Claims 1-36, this rejection is rendered moot. However, to expedite favorable resolution of examination of the new claims, an explanation will now be given why the new claims are patentable over the art of record.

Anticipation under 35 U.S.C. § 103(a) requires that:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole*

*would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claim 37 provides a method for delivering a graphical object to a browser comprising the steps of:

“receiving a request that requires delivery of the graphical object to the browser, wherein the graphical object is not a table; and

in response to the request, generating a script which, when executed by the browser, causes the browser to render the graphical object as a particular table.”

Neither Byrd nor Takasaki meet (among other things) the feature of Claim 37: “in response to the request, generating a script which, when executed by the browser, causes the browser to render the graphical object as a particular table.” Therefore the Byrd and Takasaki cannot render obvious Claim 37.

The applicant concedes that Byrd teaches a method and computer readable medium for processing an HTML page that contains, as part of HTML PARAM fields, commands for generating images. Byrd also describes generating images based on the commands contained in the HTML PARAM fields. Byrd, however, does not teach or in any way suggest rendering non-table graphical objects as tables. Therefore, Byrd could not possibly teach “in response to the request, generating a script which, when executed by the browser, causes the browser to render the graphical object as a particular table” - where “the graphical object is not a table”. Therefore Byrd does not disclose or suggest an express limitation of Claim 37.

Takasaki provides a system for editing an image and applying those edits to both raster graphic and vector graphic representations of that image. Takasaki, however, does

not teach or in any way suggest rendering non-table graphical objects as tables.

Therefore, Takasaki could not possibly teach “in response to the request, generating a script which, when executed by the browser, causes the browser to render the graphical object as a particular table” - where “the graphical object is not a table”. Therefore Takasaki does not teach or suggest an express limitation of Claim 37.

Since neither Byrd nor Takasaki teach or suggest the same limitation of Claim 37 “in response to the request, generating a script which, when executed by the browser, causes the browser to render the graphical object as a particular table”, the combination of Byrd and Takasaki could not possibly teach or suggest that limitation of Claim 37. Therefore, the combination of Byrd and Takasaki could not possibly teach Claim 37.

In addition to the fact that the prior art of record does not cover Claim 37, the presumption that Byrd and Takasaki are combinable is incorrect. There is no suggestion to combine the prior art references. “It is fundamental that rejections under 35 U.S.C. §103 must be based on evidence comprehended by the language of that section.” In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983) “[The factual inquiry whether to combine references] must be based on objective evidence of record.” In re Lee, 61 USPQ2d 1430 (CA FC 2002).

Each of Claims 38-56 depends directly or indirectly from Claim 37 and further limits Claim 37. The dependent claims also incorporate each and every feature of the independent claim from which they depend. Since independent Claim 37 is allowable, as discussed above, Claims 38-56 are also allowable. In addition, each of Claims 38-56 independently introduces one or more limitations that independently render it patentable over the prior art of record. Due to the fundamental differences between Claim 37 and

the prior art of record, as described above, details of the patentability of each dependent Claim 38-56 will not be provided at this time.

As indicated by the preceding remarks, Claims 37-56 are clearly patentable over the prior art of record. Furthermore, the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Therefore, we respectfully request that Claims 37-56 be allowed and a timely notice of allowance be granted.

#### MISCELLANEOUS

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

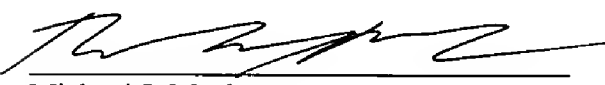
The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this application to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: December 19, 2003

  
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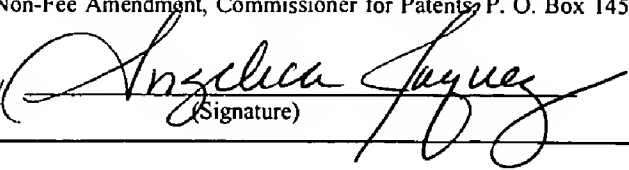
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Attachments

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents P. O. Box 1450, Alexandria, VA 22313-1450.

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